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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,926	11/18/2003	Hae Pyoung Lee	DPO-0010	3023

34610 7590 02/23/2007  
KED & ASSOCIATES, LLP  
2325 DULLES CORNER BLVD.  
SUITE 1100  
HERNDON, VA 20171

EXAMINER

TANK, ANDREW L

ART UNIT PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,926	<b>Applicant(s)</b> LEE, HAE PYOUNG	
	<b>Examiner</b> Andrew Tank	<b>Art Unit</b> 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 27 February 2006.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 19-65 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 19-65 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 18 November 2003 is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All    b)  Some \*    c)  None of:
      - 1.  Certified copies of the priority documents have been received.
      - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/2006.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

### DETAILED ACTION

This action is in response to the Preliminary Amendment filed February 27, 2006. Claims 19-65 are pending and are considered below:

#### *Specification*

1. The abstract of the disclosure is objected to because of grammar mistakes. It seems as though these grammar mistakes were caused by poor translation. Line 1: "A system and a method can remotely control..", line 6: "..by a called party can be respectively.." Correction is required. See MPEP § 608.01(b).
2. The attempt to incorporate subject matter into this application by reference to "above references" (page 2 [5]) is ineffective because there are no references listed above. The examiner recommends removing paragraph [5].

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20, 23, 24, 31, 34, 35, 43, 46, 47, 54, 57, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20, 31, 43, and 54: These claims read the limitation of "wherein the avatar is transmitted from the mobile phone or an external network". However, the examiner

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notes that each of the preamble respective parent claims read that the avatar is already stored in the called party. This is contradictory to it being transmitted. Also, an external network is a transmission medium between an origin and a destination, it is not an origin from which data or an avatar can be transmitted. The examiner will interpret these claims as reading the avatar activity information being transmitted from a mobile phone over an external network.

Claims 23, 34, 46, and 57: These claims read the limitations of “wherein the avatar is controlled equally at the mobile phone and the called party”. It is unclear whether this means that what is displayed on the mobile phone and the called party is synchronous or whether the avatar displayed on the called party can also be controlled by the called party. The examiner will interpret this as being concurrently controlled by the called party with immediate execution to provide feedback back to the mobile phone (calling party).

Claims 24, 35, 47, and 58: These claims read the limitations of “wherein the called party controls a color of the avatar according to the signal”. If the color of the avatar is dictated by the incoming signal, it cannot be controlled by the called party. The examiner will interpret this as the color of the avatar being dictated by the signal.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19-23, 25-28, 30-34, 36-39, 41-46, 48-51, 53-57, 59-62, and 64-65 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,884,172 (**Lloyd et al.**).

**Claims 19 and 30: Lloyd et al.** disclose a method of controlling an avatar stored in a called party (col 3 lines 6-25, col 11 lines 21-30), the method comprising:

receiving a signal for controlling the avatar, where in the signal is transmitted from a mobile phone (col 11 lines 21-59); and

controlling a state of the avatar in accordance with the signal (col 11 lines 21-59).

**Claims 41 and 53: Lloyd et al.** disclose a method of controlling an avatar stored in a called party using a mobile phone, the method comprising:

generating a signal for controlling the avatar (col 11 lines 21-60); and

transmitting the signal to the called party via a network (col 11 lines 21-60).

**Claims 20, 31, 43, and 54: Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the avatar is transmitted from the mobile phone or an external network (col 11 lines 21-61)

**Claims 21, 32, 44, and 55: Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the called party is a computer (col 3 lines 6-25).

**Claims 22, 33, 45, and 56: Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the called party is a mobile phone (col 3 lines 6-25).

**Claims 23, 34, 46, and 57: Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the avatar is controlled equally at the mobile phone and the called party (col 11 lines 52-59 "immediate execution").

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Claims 25, 36, 48, and 59: **Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the signal comprises an identifier number for identifying the avatar being controlled (col 11 lines 38-43 username).

Claims 26, 37, 49, and 60: **Lloyd et al.** disclose the method as in claims 25, 36, 48 and 59 above, wherein the identifier number has at least one cipher (col 11 lines 38-44 password).

Claims 27, 38, 50, and 61: **Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the signal is transmitted via a wired network (col 1 lines 50-60).

Claims 28, 39, 51, and 62: **Lloyd et al.** disclose the method as in claims 19, 30, 41, and 53 above, wherein the signal is transmitted via a wireless network (col 1 lines 50-60).

Claim 42: **Lloyd et al.** disclose the method as in claim 41 above, further comprising changing a communication mode to a control mode (col 11 lines 47-59).

Claims 64 and 65: **Lloyd et al.** disclose a method of controlling an avatar stored in a called party, the method comprising:

generating a signal to control the avatar at a mobile phone (col 11 lines 21-60);

transmitting the signal via a network (col 11 lines 21-60);

receiving the signal at the called party (col 11 lines 21-60); and

controlling a state of the avatar in accordance with the signal at the called party (col 11 lines 21-60).

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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24 , 35, 47, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,884,172 (**Lloyd et al.**).

Claims 24, 35, 47, and 58: Lloyd et al. disclose the method as in claims 19, 30, 41, and 53 above, but do not specifically disclose the called party controls a color of the avatar according to the signal. However, **Lloyd et al.** do disclose controlling the state, which includes, but is not limited to, the player object and its attributes (col 11 lines 20-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the present invention was made that these controlled attributes could be virtual size, smiling or frowning, color, or any other number of visual characteristics that identify an avatar as unique. One would have been motivated to control these attributes in order to have a unique and identifiable avatar to associate with each unique user.

8. Claims 29, 40, 52, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,884,172 (**Lloyd et al.**) in further view of U.S. Patent Application Publication 2002/0028655 (**Rosener et al.**)

Claims 29, 40, 52, and 63: Lloyd et al. disclose the method as in claims 28, 39, 51, and 62 above, but do not specifically disclose the wireless network comprising at least one of IrDA, Bluetooth, wireless LAN, RS-232, and USB. **Rosener et al.** do show that a

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cellular or non-cellular data link may be a wired interface such as USB or RS-232, or may be a wireless interface, such as wireless LAN 802.11, the IrDA serial interface, Bluetooth or HomeRF (Rosener et al. page 6 [0069]). Therefore it would have been obvious to one of ordinary skill in the art at the time the present invention was made to design the wireless network to include a combination of the above. One would have been motivated to do this to use pre-existing standards for wireless communication and avoid the time and cost associated with developing one's own standards.

#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,253,167 Koichi et al. "Client apparatus, image display controlling method, shared virtual space providing apparatus and method, and program providing medium".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

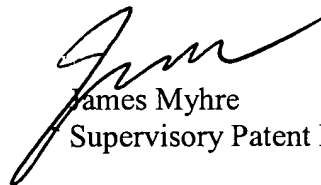


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ALT  
February 13, 2007



James Myhre  
Supervisory Patent Examiner